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6 ANITA B. CARR,  
7 Plaintiff,  
8 v.  
9 LIBERTY LIFE ASSURANCE  
10 COMPANY, et al.,  
11 Defendants.  
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13 NO. C05-3190 TEH  
14 ORDER CONTINUING MOTION  
15 HEARING AND SETTING  
16 STATUS CONFERENCE AND  
17 ORDER TO SHOW CAUSE

18 This matter comes before the Court on Defendant Liberty Life Assurance Company of  
19 Boston's ("Liberty's") motion to confirm arbitration award. Liberty filed its motion on  
20 September 3, 2008, and noticed it for hearing on October 20, 2008. Thus, under this Court's  
21 Civil Local Rules, Plaintiff Anita Carr was required to file opposition papers or a statement  
22 of non-opposition no later than September 29, 2008. Civ. L.R. 7-3(a)-(b).

23 When neither an opposition nor a statement of non-opposition was received, the  
24 Court's courtroom deputy telephoned counsel for Plaintiff, Steven Krafchick, who informed  
25 the Court that he no longer represented Plaintiff. The Court subsequently received a  
26 telephone call from Plaintiff herself, as well as the letters attached as Exhibits A and B,  
stating the same and adding that Plaintiff is searching for a new attorney and intends to  
oppose Liberty's motion.<sup>1</sup>

27 However, while Plaintiff attached to her October 7, 2008 letter a letter from  
28 Mr. Krafchick, dated October 1, 2008, stating that Mr. Krafchick no longer represents  
Plaintiff in this matter, both Mr. Krafchick and Arnold Levinson remain on the Court's

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30 <sup>1</sup>Plaintiff's second letter, attached as Exhibit B, also sets forth legal principles that  
31 Plaintiff believes to be true. The Court makes no determination at this time regarding the  
32 validity of those principles.

## United States District Court

For the Northern District of California

1 docket as attorneys of record for Plaintiff. Accordingly, they are both HEREBY ORDERED  
2 TO SHOW CAUSE as to why sanctions should not be imposed for their failure to file a  
3 timely opposition or statement of non-opposition to Liberty's motion, as well as for their  
4 failure to file a motion to withdraw or notice of substitution with the Court. The show cause  
5 hearing shall occur on **Monday, November 3, 2008, at 10:00 AM**. No written response is  
6 required, but if Mr. Krafchick or Mr. Levinson seeks to respond in writing, any such  
7 response must be filed no later than **October 24, 2008**.

8 While Plaintiff's counsel appears to bear responsibility for failing to respond to  
9 Liberty's motion, the Court will nonetheless continue the proceedings on Liberty's motion.  
10 The Court will hold a status conference, also on **November 3, 2008, at 10:00 AM**, to discuss  
11 with the parties what reasonable continuance would be appropriate. Counsel for Liberty  
12 shall appear, as shall Plaintiff herself if she intends to proceed in this case without counsel.  
13 If Plaintiff has obtained new counsel, that attorney shall also attend the November 3 hearing  
14 and status conference.

15 Unless otherwise ordered, any substitution of counsel shall not discharge the order to  
16 show cause, and Mr. Krafchick and Mr. Levinson shall appear for the hearing even if  
17 Plaintiff is able to find substitute counsel and the appropriate papers are filed with the Court.  
18 Failure to appear will result in immediate imposition of sanctions.

19 The Clerk shall serve a copy of this order on Plaintiff at the address she lists in the  
20 attached letters: 11801 Bloomington Way, Dublin, CA 94568.

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22 **IT IS SO ORDERED.**

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24 Dated: 10/08/08



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25 THELTON E. HENDERSON, JUDGE  
26 UNITED STATES DISTRICT COURT  
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